

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Establishment – Health, Medical & Family Welfare Department – Sri D. Rajender Singh, Driver (LMV) – Regularization of the period of suspension from 02-11-2004 to 22-05-2007 as not duty – Orders – Issued.

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HEALTH, MEDICAL AND FAMILY WELFARE (OP.II) DEPARTMENT

G.O.Rt.No.759

Date : 24 -06-2008

Read the following :-

1. G.O.Rt.No.943, HM & FW (OP.II) Department, dated.02-11-2004.
2. G.O.Rt.No.985, HM & FW (OP.II) Department, dated.14-09-2005.
3. G.O.Rt.No .628, HM & FW (OP.II) Department, dated.21-05-2007.
4. O.O.Rt.No.169, HM & FW (OP.II) Department, dated.06-06-2007.

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In the Government Order first read above, Sri D.Rajender Singh, Driver (LMV), Health, Medical & Family Welfare Department, was placed under suspension w.e.f. 02-11-2004 for involving in a theft case under the limits of Begum Bazar Police Station. It is also ordered therein that he shall continue to be under suspension until the conclusion of the disciplinary proceedings / termination of all proceedings relating to the disciplinary / criminal charges and he shall be paid subsistence allowance in accordance with the provisions under FR 53 during the period of suspension.

2. In the G.O.<sup>2nd</sup> read above, Government extended the suspension period until the conclusion of the disciplinary proceedings / termination of all proceedings relating to the disciplinary / criminal charges against Sri D.Rajender Singh, Driver (LMV) under Suspension and he continued to draw the subsistence allowance as ordered in the G.O. Ist read above.

3. Sri D.Rajender Singh, Driver (LMV) had been paid subsistence allowance in accordance with the FR 53 during the period of suspension from 02-11-2004 to 22-05-2007.

4. Whereas, the Hon'ble Court in its judgment dated 18<sup>th</sup> January, 2007 concluded that "the prosecution has failed to establish guilt of A-1 and A-2 for the offence under section 379 of IPC beyond all reasonable doubt. As such, A-1 and A-2 are entitled for benefit of doubt and they are not found guilty of the same". The Station House Officer of Police Station, Begum Bazaar, Hyderabad in his letter 5<sup>th</sup> read above, informed the Government that after conducting the trial, Sri D.Rajender Singh, Driver (LMV) was acquitted on 20-01-2007 and also that, the Senior Assistant Public Prosecutor of First Additional Metropolitan Court opined that there are no grounds for preferring appeal due to non-supporting of independent witnesses. As such, he has reported that there is no further action in the present case.

5. In the light of the above circumstances and after careful examination of the matter, the Government revoked the suspension orders issued in G.O.Rt.No.985, HM & FW (OP.II) Dept., dated 21-05-2007, with immediate effect in exercise of the powers conferred under Rule 8 (2) © of the A.P.C.S.(CC&A) Rules, 1991 duly reinstating the individual viz. Sri D.Rajender Singh, Driver (LMV) into service and he was admitted to duty in this Department with effect from 23-05-2007 F.N. vide O.O.Rt.No.169, HM & FW (OP.II) Department dated 06-06-2007.

6. As per the Fundamental Rule 54-A(3), "back wages to a suspended / dismissed employee cannot be paid as a matter of course in cases where the employee has been acquitted by the courts on benefit of doubt".

(P.T.O)

7. In the light of the above circumstances and after careful examination of the matter, the Government hereby regularize the suspension period from 02-11-2004 to 22-05-2007 as not on duty and as such he is not entitle for payment of back wages since the judgment of 1<sup>st</sup> Additional Chief Metropolitan Magistrate, Hyderabad dated 18-01-2007 in C.C.No.161/05 the accused (A-2) viz., Sri D.Rajender Singh, Driver (LMV) was acquitted on “benefit of doubt”. He is however entitled for refixation of his pay in the Revised Pay Scales 1999 as well as 2005, and he shall be paid the difference of subsistence allowance to which he is entitled to, on refixation of pay, duly deducting the subsistence allowance already paid to him in the old scale of pay.

8. The Health, Medical & Family Welfare (OP.II) Department, shall take necessary action in the matter.

9. This order issues with the concurrence of Finance (FR.II) Department vide their U.O.No.16012/321/FR-II/2008, dated 17-06-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**P.K.AGARWAL**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

Sri D.Rajender Singh, Driver (LMV),  
HM & FW Dept.  
The Accountant General, A.P., Hyderabad.  
The Deputy Pay and Accounts Officer,  
A.P. Secretariat Branch, Hyderabad  
The Health, Medical & Family Welfare (OP.II – Claims) Department

Copy to :

PS to Principal Secretary to Government,  
Health, Medical & Family Welfare Department.  
PA to Deputy Secretary to Government,  
Health, Medical & Family Welfare Department.  
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER